

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HAROLD SELZER, <i>et al.</i> ,	:	CIVIL ACTION
Plaintiffs,	:	
v.	:	
	:	
DUNKIN' DONUTS, Inc., <i>et al.</i> ,	:	
Defendants.	:	No. 09-5484

**ORDER**

AND NOW, this 26<sup>th</sup> day of August, 2013, upon consideration of Plaintiffs' Motion for Partial Summary Judgment (Docket Nos. 75, 76), Defendants' Opposition (Docket Nos. 82, 83), Plaintiffs' Reply (Docket Nos. 96, 97) Defendants' Motion for Summary Judgment (Docket No. 99), Plaintiffs' Opposition (Docket Nos. 102, 103), Defendants' Reply (Docket No. 105), and the parties' supplemental briefs (Docket Nos. 107, 109), and following oral argument on December 7, 2012, it is hereby **ORDERED** that:

1. Plaintiffs' Motion (Docket Nos. 75, 76) is **DENIED**.
2. Defendants' Motion (Docket No. 99) is **DENIED in part** and **GRANTED in part**. Specifically, Defendants' Motion is granted as to Counts II, IV, VII, IX, X, and XI of Plaintiffs' Amended Complaint; consequently, those counts are **DISMISSED**. Defendants' Motion is denied as to Counts I, III, and, VIII of Plaintiffs' Amended Complaint.
3. A status conference will be held in this matter on October 11, 2013 at 10:00 a.m. in Chambers, Room 10613.

BY THE COURT:

S/Gene E.K. Pratter  
GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE